

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

349A0060

## HOUSE BILL NO. 1001

Introduced by: Representative Cerny and Senators Shoener and Halverson at the request of the  
Interim Rules Review Committee

1 FOR AN ACT ENTITLED, An Act to permit the promulgation of emergency rules to mitigate  
2 financial loss to state government.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-26-5 be amended to read as follows:

5 1-26-5. Prior to the adoption or amendment of an emergency rule, an agency shall publish  
6 a notice of intent to adopt an emergency rule in the manner prescribed in § 1-26-4.1 and shall  
7 serve on the person specified by subdivision 1-26-4(1), each member of the interim rules review  
8 committee and the director:

9 (1) A copy of the proposed rule, which shall bear a special number to distinguish it from  
10 a permanent rule;

11 (2) Any publication described in § 1-26-6.6; and

12 (3) A statement, with the reasons therefor, that the emergency procedure is necessary  
13 because of imminent peril to the public health, safety or welfare, is necessary to  
14 prevent significant financial loss to state government, either as uncollected revenue  
15 or as unrecoverable expenditure, or is necessary because of the occurrence of an

1           unforeseen event at a time when the adoption of a rule in response to such event by  
2           the emergency procedure is required to secure or protect the best interests of the state  
3           or its residents.